

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES

ITEM #1 California Work Opportunity and Responsibility to Kids (CalWORKs) Statewide  
Fingerprint Imaging System (SFIS) Repeal and New Identification Process

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on March 6, 2019, at the following address:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the receipt of all testimony. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 6, 2019.

Following the public hearing, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at CDSS Public Hearings for Proposed Regulations (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT: California Department of Social Services  
Office of Regulations Development  
744 P. Street, MS 8-4-192  
Sacramento, CA 95814  
Tel: (916) 657-2856, Fax: (916) 654-3286, Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## **CHAPTERS**

Manual of Policies and Procedures (MPP) sections 40-026, 40-105, 40-171, and 80-301.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

These proposed regulations repeal the CalWORKs SFIS procedures for applicants and implement a new identity verification process. These changes are a result of Senate Bill (SB) 89 (Chapter 24, Statutes of 2017), which became effective July 1, 2018.

Under previous CalWORKs rules, as a condition of eligibility, adults applying for themselves or children were required to supply two fingerprint images and a photo image at the time of application. Failure to provide the required images resulted in ineligibility for the entire assistance unit. Specified persons were exempted from SFIS requirements.

SB 89 requires CDSS to repeal SFIS and implement a non-biometric identity verification method as a condition of eligibility for recipients of aid, other than dependent children. Proposed regulations implement the following:

Require County Welfare Departments to verify the identity of all adult applicants in person. Issue Immediate Need (IN) prior to identification (identify must be verified within 15 working days from the receipt date of the IN payment). Accept any applicant's sworn statement under penalty of perjury regarding identity when acceptable photo identification does not exist. Continue aid if the applicant presents evidence of good-faith efforts to obtain photo identification.

This regulatory action will benefit the health and welfare of California residents. The new identity verification process prevents duplicate aid, makes application and eligibility practices more efficient, simple, and client-friendly. This regulatory action does not make changes to regulations involving worker safety or the state's environment and will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state. In addition, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. CDSS has found that these are the only regulations concerning the SFIS process in CalWORKs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations but do fulfill the intent of the legislature in enacting SB 89.

### **COST ESTIMATE**

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

## **LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

## **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population to aid and strengthen needy families towards achieving economic self-sufficiency.

## **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulatory action is designed to impact only the CalWORKs population in order to aid and strengthen needy families and there are no known expected costs associated to the individuals.

## **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no impact on small businesses because these regulations are only applicable to state and county agencies. These regulations are mandated by SB 89 and are only applicable to CalWORKs applicants; therefore, they do not have a cost impact on the private sector, including small businesses.

## **STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit CalWORKs applicants. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals applying for the CalWORKs program.

## **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

## **STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS did not consider alternatives because regulations for Welfare and Institutions Code (WIC) sections 10830 and 10831 are required by SB 89 (Chapter 24, Statutes of 2017), Sections 15 and 16. CDSS is legally bound to develop regulations for these WIC sections.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 10604 of the Welfare and Institutions Code (WIC). Sections 10830 and 10831 of the WIC are referenced to make these regulations more specific.

## **DEPARTMENT REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person:	Oliver Chu	(916) 657-2586
Backup:	Sylvester Okeke	(916) 657-2586

## **EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with GC section 11346.4.